

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 02-cr-40004-SMY
)
MARIO GORDON,)
)
Defendant.)

ORDER

YANDLE, District Judge:

Defendant Mario Gordon requests permission to file an untimely appeal of this Court's denial of his requested sentence reduction (Doc. 401). The Court denied Gordon's motion to reduce his sentence pursuant to the First Step Act on May 12, 2021 (Doc. 381); Gordon filed his notice of appeal on June 1, 2021 (Doc. 385). Gordon states that he did not receive the order denying his motion until May 26, 2021, and that at the time, he was in solitary housing, suffering from depression, and unable to effectively communicate with his appellate counsel. Despite his hardships, Gordon filed a *pro se* notice of appeal six days later.

Under Federal Rule of Appellate Procedure 4(b)(1)(A), a defendant in a criminal case must file a notice of appeal within 14 days of the entry of the order being appealed. Rule 4(b)(4), allows the Court "extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed" so long as the Court can find "excusable neglect or good cause."

Gordon has presented good cause for his late notice of appeal and filed the Notice within the extended timeframe permitted under Rule 4(b)(4).¹ Accordingly, Gordon's motion for untimely appeal (Doc. 401) is **GRANTED**.

IT IS SO ORDERED.

DATED: July 25, 2022

A handwritten signature of "Staci M. Yandle" in black ink. The signature is fluid and cursive, with "Staci" on top and "M. Yandle" below it. To the left of the signature is a circular official seal of the United States District Court for the Northern District of Georgia. The seal features an eagle with wings spread, holding an olive branch and arrows, with the words "UNITED STATES DISTRICT COURT" and "NORTHERN DISTRICT OF GEORGIA" around the perimeter.

STACI M. YANDLE
United States District Judge

¹ The Court's order denying the sentence reduction was entered on May 12, 2021, making Gordon's deadline to appeal May 26, 2021. Thirty days from that date was June 26, 2021. Gordon's notice of appeal was filed on June 1, 2021 (Doc. 385).